

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DELAWARE STATE HOUSING	§	
AUTHORITY/CLARK’S CORNER,	§	No. 586, 2007
	§	
Respondent Below,	§	
Appellant,	§	
	§	Court Below: Superior Court
v.	§	of the State of Delaware,
	§	in and for Kent County
LUCIEL HOWELL,	§	
	§	C.A. No. 07A-03-001
Petitioner Below,	§	
Appellee.	§	

Submitted: December 10, 2008
Decided: March 6, 2009

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

ORDER

This 6th day of March, 2009, on consideration of the briefs and arguments of the parties, it appears to the Court that:

1) Delaware State Housing Authority (“DSHA”) appeals the Superior Court’s reversal of a Justice of the Peace Court decision evicting Luciel Howell from her apartment. DSHA argues that the Superior Court exceeded the scope of review in considering Howell’s Petition for a Writ of Certiorari pursuant to 10 *Del. C.* § 562. We agree and reverse.

2) The Justice of the Peace Court awarded summary possession to DSHA based on its determination that Howell violated the terms of her lease by engaging in criminal activity that threatened the health, safety or right to peaceful possession of other residents in the apartment. In *Maddrey v. Justice of the Peace Court 13*,¹ this Court explained:

On a common law writ of *certiorari*, the Superior Court cannot look behind the face of the record. Rather, it can only review the record for the purpose of confirming an irregularity in asserting jurisdiction, an improper exercise of its power or the declaration of an improper remedy by the inferior tribunal.²

The “record” that is subject to review includes only the complaint, answer (if required) and the docket entries.³

3) Here, the record reveals no irregularity or improper exercise of authority in the Justice of the Peace Court decision. Accordingly, the Superior Court erred in reversing the Justice of the Peace Court.

¹956 A.2d 1204 (Del. 2008).

²956 A.2d at 1215.

³956 A.2d at 1216.

NOW, THEREFORE, the judgment of the Superior Court be, and the same hereby is, REVERSED. Jurisdiction is not retained.

BY THE COURT:

/s/ Carolyn Berger
Justice